

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2007-091562

05/09/2008

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT
M. Brady
Deputy

H J & M B ENTERPRISES L L C

RICHARD R THOMAS

v.

DESERT GLEN 06 A, L L C, et al.

BRINTON M WILKINS

COMPREHENSIVE PRETRIAL CONFERENCE SET

IT IS ORDERED setting a telephonic Comprehensive Pretrial Conference on **June 10, 2008 at 8:30 a.m.**

HONORABLE CHRISTOPHER WHITTEN
SOUTHEAST ADULT FACILITY
222 EAST JAVELINA - COURTROOM 207
MESA AZ 85210

NOTE: Counsel for Plaintiff shall initiate the conference call by calling this division at 602-372-1164 at the date and time specified above.

JOINT PRETRIAL MEMORANDUM AND PROPOSED ORDER

IT IS ORDERED as follows:

Counsel are to meet personally to discuss all of the matters set forth in Rule 16(b), Ariz. R. Civ. P. Counsel shall prepare and file with the Court, no later than **5:00 p.m. on June 6, 2008**, a Joint Pretrial Memorandum, and a proposed Order, for discovery, motion and disclosure deadlines.

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If the parties agree to the dates, they should prepare an Order in the form set forth below, containing the provisions which are applicable to their case.

The proposed Order shall include specific dates ("December 5, 2007" is a specific date. "90 days prior to trial" is a date in reference to a trial date and is not a specific date). Do not incorporate a firm trial date in the proposed Order.

If a Joint Pretrial Conference Memorandum and proposed Scheduling Order are not timely submitted, the Court will place the matter back on the Inactive Calendar for dismissal.

PROPOSED ORDER LANGUAGE:

The Court has received and reviewed the parties' Joint Pretrial Memorandum and proposed Scheduling Order. In accordance therewith,

IT IS ORDERED as follows:

1. Plaintiff's final expert disclosure shall be served by _____, **2008.**
2. Defendant's final expert disclosures shall be exchanged by _____, **2008.**
3. Rebuttal expert disclosures shall be exchanged by _____, **2008.**
4. Final non-expert disclosures shall be exchanged by _____, **2008.**
5. Discovery shall be completed by _____, **2008.**
6. The parties remaining in this action shall completed private mediation by _____, **2008;**

IT IS ORDERED the parties shall participate in private mediation. The cost of private mediation shall be paid proportionately by the parties.

OR

The parties shall participate in a mandatory Settlement Conference and this matter is referred to the court's Alternative Dispute Resolution for the appointment of a judge *pro tempore* to conduct a settlement conference. Counsel and any "pro per" parties will contact the appointed judge *pro tempore* to arrange the time and location for the settlement conference. The judge *pro tempore* is requested to conduct a settlement conference not later than

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, 2008. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.

7. No expert witnesses, expert opinions, lay witnesses, or exhibits shall be used at trial other than those disclosed in a timely manner, except for good cause shown or written agreement of the parties.
8. A telephonic status conference is set for , 2008 at m. for the purpose of assigning a trial date if the case has not settled.

NOTE: Counsel for Plaintiff shall initiate the conference call by calling this division at **602-506-1179**, with all participating parties and counsel on the line, at the date and time specified above.

9. Should any discovery disputes arise, counsel, prior to filing discovery motions, shall meet and confer pursuant to Rule 37, Ariz.R.Civ.P., then telephonically contact the Court to set up a telephonic conference to discuss any remaining issues.

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE
FEE CURRENTLY IN EFFECT**

This is a JAVS courtroom. In the event a record is made, the Court will provide, upon request, CDs and videotapes regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least 48 hours before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.